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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,277	02/28/2002	Sanjay Kaluskar	264/237	2046

22249 7590 06/07/2004

LYON & LYON LLP
633 WEST FIFTH STREET
SUITE 4700
LOS ANGELES, CA 90071

EXAMINER

CORRIELUS, JEAN M

ART UNIT	PAPER NUMBER
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2172

DATE MAILED: 06/07/2004

3

Please find below and/or attached an Office communication concerning this application or proceeding.

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JUN 18 2004

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82

Office Action Summary

Application No.

10/086,277

Applicant(s)

KALUSKAR ET AL.

Examiner

Jean M Corrielus

Art Unit

2172

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 5, 8-13, 16, 17, 20-22, 27, 32, 33, 36, 37, 40-44, 48, 50-58, 62, 63, 67 and 68 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 6, 7, 14, 15, 18, 19, 23-26, 28-31, 34, 35, 38, 39, 45-47, 49, 59-61 and 64-66 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/2/04
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the application filed February 28, 2002, in which claims 1-68 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement filed February 2, 2004 complies with the provisions of 37 CFR 1.97 and MPEP § 609. It has been placed in the application file. The information referred to therein has been considered as to the merits.

Drawings

3. Applicants are required to furnish the formal drawings in response this office action. No new matter may be introduced in the required drawing. Failure to timely submit a drawing will result in **ABANDONMENT** of the application.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 4-5, 8-13, 16-17, 20-22, 27, 32, 33, 36, 37, 40-44, 48, 50-58, 62-63 and 67-68 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chow et al., (hereinafter "Chow") US Patent no. 5,875,334.

As to claim 1, Chow discloses the claimed "receiving a database statement from a client " by means of receive a query statement from a user (col.1, lines 63-67); and "searching memory for a similar database statement" by comparing the SQL3 control statements (col.2, lines 25-29; col.10, lines 54-67), wherein the REPEAT statements is similar to WHILE statements (col.12, lines 23-48). Chow does not explicitly disclose the use of reusing a data structure compiled for said similar database statement to execute said database statement when a system parameter is configured to control data structure sharing. However, Chow discloses a V2 compiler, where the declaration and reference of a cursor is processed in a way which involves the collaboration between the pre-processor and SQL compiler is setup to control data structure sharing (col.7, lines 50-67; col.32, lines 4-15; col.42, lines 13-52). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Show's system wherein the plan optimizer, provided therein (items 116 of fig.1) would incorporate the use of reusing a data structure compiled for said similar database statement to execute said database statement when a system parameter is configured to control data structure sharing because that

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would provide Chow's system the enhanced capability of compiling query statements and control statements while still enabling and enhancing the efficiency of the system.

As to claim 4, Chow discloses the claimed "wherein reusing a data structure compiled for said similar database statement occurs when a command line parameter is configured to control data structure sharing" (col.6, lines 25-36; col.23, lines 36-67).

As to claim 5, Chow discloses the claimed "wherein the command line parameter is a hint for enabling a one-time system parameter override" (col.7, lines 50-67).

As to claim 8, Chow discloses the claimed "returning a result set to the client if said database statement is a query" (col.39, lines 35-45).

As to claim 9, Chow discloses the claimed "wherein reusing a data structure includes executing the execution plan compiled from said similar database statement" (col.23, lines 35-65).

As to claim 10, Chow discloses the claimed "wherein said data structure a cursor" (col.42, lines 14-34).

As to claim 11, Chow discloses the claimed "wherein said database statement and said similar database statement are SQL statement" (col.23, lines 35-65).

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As to claims 12-13, 16-17 and 20-21, the limitations of claims 12-13, 16-17 and 20-21 have been mentioned in the rejection of claims 1, 4-5 and 8-11 above. They are therefore, rejected under the same rationale.

As to claims 22, 27, 32-33, 36-37 and 40-43, the limitations of claims 22, 27, 32-33, 36-37 and 40-43 have been mentioned in the rejection of claims 1, 4 and 8-11 above. They are therefore, rejected under the same rationale.

As to claims 44, 48 and 50-57, the limitations of claims 44, 48 and 50-57 have been mentioned in the rejection of claims 1, 4 and 8-11 above. They are therefore, rejected under the same rationale. In addition, Chow discloses the claimed “a parser for hard parsing the database statement” (col.); “building an expression tree from the database” (col.); and “a syntactic analyzer” (col.7, line 66-col.8, line 7).

As to claims 58, 62 and 67-68, the limitations of claims 58, 62 and 67-68 have been mentioned in the rejection of claims 1, 4 and 8-11 above. They are therefore, rejected under the same rationale.

Allowable Subject Matter

7. Claims 2-3, 6-7, 14-15, 18-19, 23-26, 28-31, 34-35, 38-39, 45-47, 49, 59-61 and 64-66 are objected to as being dependent upon a rejected base claim, but would be allowable if

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rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean M. Corrielus whose telephone number is (703) 306-3035. The examiner can normally be reached on Monday - Friday (12:00pm - 7:30 pm).

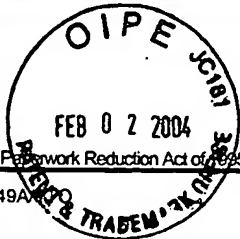
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jean M. Corrielus

Patent Examiner

May 31, 2004



PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

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**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 3

Complete if Known

Application Number	10/086,277
Filing Date	February 28, 2002
First Named Inventor	Sanjay Kaluskar
Art Unit	2171
Examiner Name	Not yet assigned
Attorney Docket Number	264/237

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U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
	1	6,615,206	9/2/2003	Jakobsson et al.	
	2	6,606,627	8/12/2003	Guthrie et al.	
	3	6,581,055	6/17/2003	Ziauddin et al.	
	4	6,546,394	4/8/2003	Chong et al.	
	5	6,505,227	1/7/2003	Mirchandaney et al.	
	6	6,470,423	10/22/2002	Ho et al.	
	7	6,439,783	8/27/2002	Antoshenkov	
	8	6,421,662	7/16/2002	Karten	
	9	6,401,083	6/4/2002	Agarwal et al.	
	10	6,374,257	4/16/2002	Guay et al.	
	11	6,370,619	4/9/2002	Ho et al.	
	12	6,370,522	4/9/2002	Agarwal et al.	
	13	6,351,742	2/26/2002	Agarwal et al.	
	14	6,144,957	11/7/2000	Cohen et al.	
	15	6,029,163	2/22/2000	Ziauddin	
	16	6,026,391	2/15/2000	Osborn et al.	
	17	6,014,656	1/11/2000	Hallmark et al.	
	18	5,974,408	10/26/1999	Cohen et al.	
	19	5,956,705	9/21/1999	Stevens et al.	
	20	5,907,844	5/25/1999	Guay et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

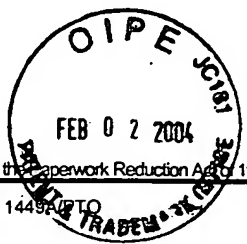
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This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 2 of 3

Complete if Known

Application Number	10/086,277
Filing Date	February 28, 2002
First Named Inventor	Sanjay Kaluskar
Art Unit	2171
Examiner Name	Not yet assigned
Attorney Docket Number	264/237

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Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
[Signature]	21	5,903,888	5/11/1999	Cohen et al.	
	22	5,899,993	5/4/1999	Jenkins, Jr.	
	23	5,899,986	5/4/1999	Ziauddin	
	24	5,892,945	4/6/1999	Mirchandaney et al.	
	25	5,857,180	1/5/1999	Hallmark et al.	
	26	5,822,748	10/13/1998	Cohen et al.	
	27	5,819,251	10/6/1998	Kremer et al.	
	28	5,802,523	9/1/1998	Jasuja et al.	
	29	5,802,521	9/1/1998	Ziauddin et al.	
	30	5,761,654	6/2/1998	Tow	
	31	5,664,172	9/2/1997	Antoshenkov	
	32	5,495,608	2/27/1996	Antoshenkov	
	33	5,412,804	5/2/1995	Krishna	
	34	5,404,510	4/4/1995	Smith et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				

Examiner Signature	<i>Jan. Corvick</i>	Date Considered	<i>May 28 2004</i>
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 3 of 3

Complete if Known

Application Number	10/086,277
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<i>Filing Date</i>	February 28, 2002
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First Named Inventor	Sanjay Kaluskar
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Art Unit	2171
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Examiner Name	Not yet assigned
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Attorney Docket Number	264/237
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Examiner Signature	<i>Lee C. ...</i>	Date Considered	<i>April 24 2004</i>
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Notice of References Cited	Application/Control No. 10/086,277	Applicant(s)/Patent Under Reexamination KALUSKAR ET AL.	
	Examiner Jean M Corrielus	Art Unit 2172	Page 1 of 1

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*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,875,334	02-1999	Chow et al.	717/141
	B	US-6,457,007	09-2002	Kikuchi et al.	707/10
	C	US-6,269,373	07-2001	Apte et al.	707/10
	D	US-6,598,041	07-2003	Bernal et al.	707/3
	E	US-6,643,637	11-2003	Chen et al.	707/2
	F	US-6,694,305	02-2004	Bernal et al.	707/2
	G	US-6,665,678	12-2003	Ching Chen et al.	707/100
	H	US-6,721,731	04-2004	Cornwell et al.	707/3
	I	US-5,758,144	05-1998	Eberhard et al.	707/2
	J	US-5,734,884	03-1998	Eberhard et al.	707/2
	K	US-5,963,742	10-1999	Williams, Gerald S.	717/143
	L	US-5,615,359	03-1997	Yung, Alex	707/10
	M	US-			

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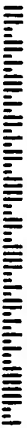


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